



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,856	12/18/2000	Jason M. Allor	205728	4196

38887 7590 06/16/2005

LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON
CHICAGO, IL 60601-6780

EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
----------	--------------

2179

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,856

Applicant(s)

ALLOR ET AL.

Examiner

Truc T Chuong

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 11, 13-15 and 29-35 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 10, 11, 13-15 and 29-35 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/22/05
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

This communication is responsive to RCE, filed 03/22/05.

Claims 10-11, 13-15, and 29-35 are pending in this application. Claims 10 and 30 are independent claims. In the communication, claim 10 is amended; claims 1-9, 12, and 16-28 are cancelled, and claims 30-35 are new claims. This action is made non-final.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10-11, 13-15, and 29-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "distinct from a parent/child organization of nodes" is unclear because the term "a parent/child" can be considered as either "parent", "child", or both.

Other claims are also rejected because of the deficiency of the parent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-11, 13-15, and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan (U.S. Patent No. 5,933,599) in view of Kekic et al. (U.S. Patent No. 6,664,978 B1).

As to claim 10, Nolan teaches a method for enabling a plurality of users to collaborate on a project, the method comprising:

presenting a first graphical hierarchy having a plurality of nodes (fig. 23 shows that window 402 has plurality of nodes), the first graphical hierarchy based, at least in part, on a first organization (each node represents for a different category or topic such as Business and Finance, Computer and Software, or Home and Family, etc.), each node representing one or more sub-projects into which the project is divided (the Home and Family having children nodes such as Pets, Food, or Gardening, e.g., col. 25 lines 24-35, and fig. 23);

in response to user selection of a node of the plurality, presenting one or more links, wherein the links are selectable to open files or execute programs for use by one or more of the plurality of users to contribute to the one or more sub-projects represented by the selected node (each sub-node or link of the parent node is a link to execute a program therefore Nolan's system can create a shortcut for each of the links, e.g., col. 25 lines 11-35, and fig. 23);

presenting a second graphical hierarchy having a plurality of nodes (Business and Finance or Computer and Software can be considered as a second node with links to that related topic), the second graphical hierarchy based, at least in part, on a second organization, the second organization distinct from the first organization, the second organization also distinct from a parent/child organization of nodes (each node represents for a different category or topic such as

Art Unit: 2179

Business and Finance, Computer and Software, or Home and Family, etc; therefore, each category distinct from one to another, e.g., col. 25 lines 11-35, and fig. 23);

displaying at least one representation of a task associated with a node of the plurality of nodes (window 204c of fig. 23 derives from the selection of the first or second organization);

displaying at least one computer work queue (window 2300 is a work queue to show the storage of tasks which can be executed by selecting/clicking on the shortcuts, e.g., col. 25 lines 11-35, and fig. 23); and

in response to a user of the plurality moving the task representation, adding the represented task to the work queue of the represented computer (each of the links can become a shortcut and move/add to the window/queue 2300 as shown in fig. 23); however, Nolan does not clearly teach displaying at least one representation of a computer that is to be used to work on the project. Kekic clearly teaches a monitoring system is capable of monitoring the performance, software, hardware, and performing tasks of other computers throughout the Network (e.g., col. 24 lines 35-55, and fig. 6B). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the Network Monitoring features of Kekic in the Organization System of Nolan to increase the flexibility of the user, who controls the system, by helping he/she to be able to act quickly if there is an error or other related problems happening with one of the computers on the Network.

As to claim 11, it is the equivalent computer program product claim of method claim 10 and rejected under a similar rationale.

As to claim 13, Nolan teaches the method further comprising:

Art Unit: 2179

displaying at least one representation of a task associated with a node of the plurality of nodes (see claim 10 above);

displaying at least one representation of a user of the plurality of users (note the rejection of claim 10 with the motivation and reason to combine Nolan and Kekic), wherein the represented user has a work queue (window 2300 is a work queue to show the storage of tasks which can be executed by selecting/clicking on the shortcuts, e.g., col. 25 lines 11-35, and fig. 23); and,

in response to a transfer of the task representation to the user representation, adding the represented task to the work queue of the represented user (each of the links can become a shortcut and move/add to the window/queue 2300 as shown in fig. 23).

As to claim 14, Nolan teaches the method wherein the graphical hierarchy is a tree, and is presented in a first pane of a user interface (e.g., figs. 5, 7, 9, and 23), and wherein the links are presented in a second pane of the user interface (if Gardening is selected, a window 204c (not in a same window as 402) will show the details about gardening).

As to claim 15, Nolan teaches the method wherein the graphical hierarchy is a tree, and is presented in a first pane of a user interface, the links are presented in a second pane of the user interface (see claim 14 above), and the work queue is represented in a third pane of the user interface (window 2300 of fig. 23).

As to claims 30-34, they are the equivalent claims of method claims 10-11, 13, and 14-15 respectively and are rejected under a similar rationale.

Art Unit: 2179

5. Claims 29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan (U.S. Patent No. 5,933,599) in view of Kekic et al. (U.S. Patent No. 6,664,978 B1), and further in view of Mikkonen (U.S. Patent No. 6,885,633 B1).

As to claims 29 and 35, the modified system of Nolan in view of Kekic still does not teach the method wherein at least one of the node represent a set of software tests. Mikkonen clearly teaches a node can be used to perform software test and report the results to the other node (col. 3 lines 56-65). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the Software Test Node of Mikkonen in the modified system of Nolan to ease the user when using the system with an available test tool node to make sure the current software on the computer are working normally.

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jones et al. (U.S. Patent No. 6,199,098 B1) teach hierarchical nodes, software links, distinct nodes, and status (cols. 3-10 and figs. 1A-E).

Kiernan et al. (U.S. Patent No. 5,701,137) teach separate nodes, tree, and windows for displaying different set of nodes (cols. 2-11 and figs. 2-7).

Art Unit: 2179

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

06/11/05


BA HUYNH
PRIMARY EXAMINER